

## **Four County Family Court Project: Bartholomew, Brown, Lawrence and Jackson**

### **Basic Information**

#### **Project Judicial Officer(s) for each County:**

**Bartholomew:** Referee Heather Mollo

**Brown:** Judge Judith Stewart

**Jackson:** Judge William Vance, Judge Frank Guthrie

**Lawrence:** Judge Michael Robbins, Acting Judge Andrea McCord

**Project Implementation:** Grant was awarded in January 2004. Service began in summer/fall of 2004.

**Personnel:** Pat McSoley, a lawyer and registered mediator, and his administrator, Paige McSoley, were selected by mutual agreement of the lead judges to serve as the family court coordinator and mediator for all of the counties. The McSoleys entered into a memorandum of understanding to provide mediation services at an hourly rate, and to conduct case intake and administer the project (including statistics and grant maintenance) for an annual fee.

#### **Funding:**

##### **Family Court Project Funding**

\$56,000 per year for a two-year period from 2004-2005. The funds are held by the Lawrence County Auditor. The family court coordinator files all the claims for mediation through Lawrence County and maintains a list of claims per county. Initially, each county was designated \$5,000 for the purchase of ADR services. In the second year of operation, additional funds were designated for each county based upon use.

### **Family Court Programming**

#### **ADR in Divorce and Paternity Cases**

This programming was designed to provide affordable mediation services to low income and pro se parties in divorce and paternity cases. It significantly expedites pro se cases by helping parties complete the correct documentation needed for agreed settlements and divorce orders. The use of the same mediator in all of the counties insures consistent procedures and streamlines the process for the courts. The mediation business generated by the combined counties is adequate to support one mediator, whereas the individual counties cannot afford to employ their own mediator.

#### **ADR Fees**

Pursuant to the ADR Plan statute, three of the counties individually filed an ADR Plan with the Division of State Court Administration. The Plan, when approved, enables each county to collect a \$20 fee to assist with the mediation costs, and parties are required to pay a "co-pay" for services based upon their financial situation. The ADR fees help to finance mediation costs. ADR Fees are maintained separately from the family court project fund, and the ADR Fees can be used only in the county generating the fee.

### The Process

The family court coordinator/mediator is scheduled at least once a month in each county to conduct an intake meeting with families referred to the court for mediation. The coordinator's assistance helps organize the parties and files, and track necessary forms and processes. The coordinator begins the monthly intake process by meeting in the courtroom with all of the referred parties. He explains the benefits of mediation, gives an overview of the process, and distributes copies of the Indiana Parenting Time guidelines. He then meets individually with each family for 15 to 30 minutes. He asks questions regarding home address, children, employment, assets and pending court cases. He determines if the parties already have an agreement and need assistance creating the legal documents, or whether they have contested issues that require mediation. If they have an agreement, Mr. McSoley schedules a brief session to assist them with document preparation, or time allowing, he will help them prepare their pro se documentation the same day. When there are contested issues, a formal mediation session is generally scheduled within two weeks.

**CHINS Facilitation and Resource Room.** The CHINS facilitation programming is based on two models of facilitation developed by other counties, but tailored to the needs of Lawrence and Bartholomew Counties.

The facilitation model used in Bartholomew County uses facilitation meetings at the pre-judgment stage in every CHINS case. Parents, attorneys, government and other service providers, and children (when of an appropriate age) will meet outside the courtroom with a "neutral" person who will clarify the issues, assist the parties in disclosing relevant information and reach agreements on allegations and services. Facilitation promotes greater information sharing between parties and providers, increases parental involvement and "buy-in" in the reunification process, and enables more rapid service delivery for the family. It also eliminates the time required to prepare for and adjudicate a contested factfinding hearing.

The Bartholomew facilitation process also can include a "resource room" component. Depending upon the particular case, the facilitator may meet with parents immediately after the CHINS court hearing to help the parents make appointments for court ordered services. This involves reviewing the court order with the parties and actually calling the specified service provider to arrange for the first appointment while the parents are present. This avoids the delay caused when parents don't understand what is expected of them or simply fail to follow-through with court orders to obtain necessary treatment services.

The facilitation model in Lawrence County uses a "neutral" only in selected CHINS cases, and not as a standardized procedure for all cases. A facilitation meeting can be ordered whenever the Judge or parties believe that a meeting outside of the courtroom with a "neutral" can help the parties and service providers clarify and resolve issues in a particular case.

**Truancy Facilitation.** Bartholomew County uses a Truancy Facilitation program. The program begins with a letter indicating that the prosecutor intends to file a criminal Neglect of Education or a Truancy Delinquency petition regarding a child's school absences, but that such filing may be avoided by the cooperation of the family in the Truancy Facilitation program.

For willing families, the Family Court Coordinator/Mediator facilitates a conference between the parents, school officials, and the ATTEND program coordinator to identify why the child has been absent from school and resolve the problems resulting in truancy. These conferences reduce tension between school personnel and parents, and motivate the family to take concrete steps to insure the child's school attendance. The conference often results in the identification or clarification of family needs, and necessary action is offered to meet those needs, including counseling, intensive homemaker services, remedial education programs, and provision of needed clothing. At the conclusion of the conference, any agreements regarding services and actions to be taken by the parents, child, and school are reduced to writing and immediately reviewed by the judge with all parties present. To date, the facilitations have been successful, and threatened court filings have not been needed to address school attendance problems.

**Families Served in Four County Project.**

The number of cases receiving ADR services from the implementation of the Family Court Project per county:

**Bartholomew County Project began operation Oct 2004**

CHINS Facilitation: 23 cases/ 22 settlements

Truancy Facilitation: 23 cases/23 criminal and/or delinquency filings avoided

Children served: 102

**Brown County Project began operation September 2005**

Divorce or Paternity Mediation: 17 cases/17 settlements

Children served: 29

**Lawrence County Project began operation August 2004**

CHINS Facilitation: 5 cases/4 settlements

Divorce or Paternity Mediation: 70 cases/69 settlements

Children Served/effectuated: 126

**Jackson County Project began operation November 2004**

Divorce or Paternity Mediation: 99 cases/98 settlements

Children served/effectuated: 75